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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

11 J. DOE 1, et al.,
12 Individual and Representative Plaintiffs,
13 v.
14 GITHUB, INC., et al.,
15 Defendants.

Case Nos. 4:22-cv-06823-JST
4:22-cv-07074-JST

**JOINT STIPULATION AND [PROPOSED]
ORDER TO EXTEND CASE DEADLINES
PURSUANT TO LOCAL RULE 6-2**

JOINT STIPULATION TO EXTEND CASE DEADLINES

Pursuant to Local Civil Rules 6-2 and 7-12, and Fed. R. Civ. P. 16(b)(4), the parties in the above-captioned action hereby stipulate and agree as follows:

WHEREAS, this Court adopted a Case Management Schedule on July 11, 2023 that covers the close of fact discovery through the deadlines for replies to any motion for class certification and any *Daubert* motions (ECF No. 130);

WHEREAS, under the current schedule, the close of fact discovery is set for September 27, 2024, and the other current case deadlines for expert discovery and for briefing on any motions for class certification and *Daubert* motions are set thereafter (ECF No. 130);

WHEREAS, no trial date has been entered (ECF No. 130);

WHEREAS, in this Court's last Case Management Conference on March 22, 2024, the Court indicated that enlargement of the discovery cutoff deadline was "very likely to be necessary." (ECF No. 240 at 6:18–7:3);

WHEREAS, the parties are conducting fact discovery, but additional work remains to be done: document discovery is ongoing and not complete; the parties are negotiating regarding the scope of custodial discovery; the parties are conferring in good faith regarding several discovery disputes; the parties have not yet agreed upon a training data inspection protocol; Plaintiffs are currently in the process of assessing whether they will pursue sampling and inspection of telemetry (user) data through a 30(b)(6) deposition of GitHub on that topic; and, apart from that deposition, no other depositions (including those of named Plaintiffs) have been scheduled or occurred;

WHEREAS, the parties agree and stipulate that there is good cause to extend the current case deadlines by 180 days in order to complete fact discovery;

WHEREAS, along with this Stipulation and Proposed Order, counsel for Plaintiffs will file a declaration in compliance with Local Civil Rule 6-2;

NOW THEREFORE, the parties agree and stipulate and respectfully request that the current case deadlines should be extended by 180 days, as reflected in the following table:

Case Event	Previous Deadline	New Deadline
Fact discovery cut-off	September 27, 2024	March 27, 2025
Plaintiffs' expert reports due	November 08, 2024	May 6, 2025
Defendants' expert reports due	December 13, 2024	June 11, 2025
Plaintiffs' rebuttal expert reports due	January 24, 2025	September 23, 2025
Expert discovery cut-off	February 21, 2025	October 21, 2025
Class certification and <i>Daubert</i> motions due	March 27, 2025	November 20, 2025
Class certification and <i>Daubert</i> oppositions due	April 24, 2025	December 22, 2025
Class certification and <i>Daubert</i> replies due	May 22, 2025	January 24, 2026

1 Dated: August 30, 2024

By: /s/ Joseph R. Saveri
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Counsel for Plaintiffs and the Proposed Class

20 Dated: August 30, 2024

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1 Dated: August 30, 2024

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Counsel for OpenAI defendants

[PROPOSED] ORDER EXTENDING CASE DEADLINES

PURSUANT TO STIPULATION AND FINDING GOOD CAUSE, IT IS SO ORDERED.

Dated: September 5, 2024



Honorable Jon S. Tigar
United States District Judge